

ORDINANCE NO. 2036

AN ORDINANCE REPEALING MEDICAL MARIJUANA DISPENSARIES CHAPTER 5.40 FOLLOWING 2016 ELECTION RESULTS IN WHICH CENTRAL POINT CITIZENS VOTED TO PROHIBIT MARIJUANA DISPENSARIES IN THE CITY.

RECITALS:

- A. Words ~~lined through~~ are to be deleted and **words in bold** are added.
- B. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- C. On January 20, 2016, the Central Point City Council adopted Ordinance 2022 referring the question of whether to prohibit recreational marijuana producers, processors, wholesalers and/or retailers, as well as medical marijuana processors and medical marijuana dispensaries to the voters of Central Point.
- D. On November 8, 2016, a majority of voters of Central Point elected to prohibit recreational and medical producers, processors, wholesalers, retailers and medical marijuana dispensaries thus making language in the municipal code unnecessary.
- E. On April 20, 2017, the City of Central Point City Council held a properly advertised public hearing; reviewed the Staff Report and findings; heard testimony and comments, and deliberated on approval of the Municipal Code Amendment.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Amendments to Section 5 removes a section to the municipal code that previously allowed Medical Marijuana Dispensaries and would have been amended to allow Recreational Marijuana Dispensaries.

**Title 5
BUSINESS LICENSES AND REGULATIONS¹**

Chapters:

5.04 Business Licenses

5.06 Yard Sales

5.08 Public Dances

5.10 Sidewalk Cafes

5.12 Electrical Contractors

5.16 Plumbing

5.20 Solicitors, Canvassers and Peddlers

5.24 Adult Businesses

5.32 Mobile Home Parks

5.33 Merchant Police and Private Detectives

5.34 Pawnbrokers and Secondhand Dealers

5.38 Drug Paraphernalia

~~5.40 Medical Marijuana Dispensaries~~

5.42 Special Event Permits

Chapter ~~5.40~~
MEDICAL MARIJUANA DISPENSARIES

Sections:

~~5.40.010 Purpose.~~

~~5.40.020 Definitions.~~

~~5.40.030 Regulations for Dispensaries.~~

~~5.40.040 License Required.~~

~~5.40.050 License Period.~~

~~5.40.060 License Fees.~~

5.40.010 Purpose.

~~It is recognized that the presence of "marijuana dispensaries" within the community of Central Point may result in adverse social and economic impacts, increased crime incidents, and physical deterioration in the general areas of such businesses. It is evident that regulations applicable to such dispensaries are necessary to protect minors and to preserve the character, safety and stability of residential areas that are in close proximity to such~~

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~~commercial businesses. The purpose of this section is to establish regulations applicable to marijuana dispensaries, as defined in the Oregon Revised Statutes and in Section 5.40.020 of this chapter.~~

~~5.40.020 Definitions.~~

~~For purposes of this chapter, the following terms and business types are defined in this section:~~

- ~~A. Medical Marijuana: Means of all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.~~
- ~~B. Cultivation: Means a location where marijuana is produced or cultivated for use by a Medical Marijuana Qualifying Patient including within a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.~~
- ~~C. Medical Marijuana Dispensary: A medical marijuana facility registered by the Oregon Health Authority under ORS 475.300 to 475.346 and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.~~
- ~~D. Infusion: A facility or business that incorporates medical marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods.~~
- ~~E. Medical Marijuana Qualifying Patient: A registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS 475.302(3) or the designated primary caregiver of the cardholder as defined by ORS 475.302(5).~~

~~5.40.030 Regulations for Medical Marijuana Dispensary.~~

~~A. Medical Marijuana Dispensary businesses may be granted a conditional use permit by the planning commission in accordance with the requirements of the zoning district in which the business is proposed, and in accordance with the following regulations:~~

- ~~1. Evidence that the business is currently registered under the state of Oregon's medical marijuana facility registration system under ORS 475.300 ORS 475.346.~~
- ~~2. The proposed use complies with all requirements set forth for the issuance of a conditional use permit (CPMC 17.76);~~
- ~~3. The lot on which the business is proposed to be located is classified commercial and includes the following designations; C-2(M) Commercial Medical District, C-4 Tourist and Office Commercial District, and C-5 Thoroughfare Commercial District;~~

~~4. The business shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;~~

~~5. The subject lot is not within five hundred feet of the nearest residential (R) zoning district;~~

~~6. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors, a public park or recreational facility, a day nursery or child care center, or any other public facility which is customarily utilized by minors;~~

~~7. The lot is not within one thousand feet of any lot upon which there is located another marijuana dispensary business;~~

~~8. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity;~~

~~9. The business shall be permitted an identification sign but shall not exhibit advertisements, displays, or any other promotional or advertising materials that may be visible to the public outside the structure;~~

~~10. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area;~~

~~11. No marijuana dispensary business, as defined in this chapter, shall have operating hours earlier than 8:00 a.m. or later than 6:00 p.m. of the same day and only Monday through Saturday, except as specifically permitted by the terms of the conditional use permit.~~

~~12. Cultivation or infusion of medical marijuana at the site of the dispensary is prohibited.~~

~~13. The business shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers.~~

~~14. Drive through services are prohibited.~~

~~B. The planning commission may, at its discretion, conduct a poll or survey of residents and property owners in the vicinity of a proposed medical marijuana dispensary business if such poll or survey is determined to be necessary to adequately assess the social, economic or other impacts of the proposed business.~~

~~C. Applicants for licenses under this chapter must file with the city recorder a sworn application in writing for the license which shall give the following information:~~

- ~~1. The name of the applicant;~~
- ~~2. Permanent home address and full local address of the applicant;~~
- ~~3. A brief description of the nature of the business and goods to be sold, if any;~~
- ~~4. Length of time for which the right to do business is desired;~~
- ~~5. The location of the proposed medical marijuana dispensary business.~~

~~D. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine as defined by Section 1.16.010.~~

~~**5.40.040 License Registration Required.**~~

~~No person, or his employee or agent, shall engage in or conduct within the city any medical marijuana dispensary business unless the license fee has been paid and a license issued as provided herein. No person, his employee or agent shall engage in or conduct within the city any medical marijuana dispensary business unless the person possesses a current registration under the state's medical marijuana facility registration system. The City shall not issue a business license to any medical marijuana dispensary business while a moratorium is in effect prohibiting the operation of such business.~~

~~**5.40.050 License Period.**~~

~~License for dispensaries shall be for annual periods commencing on July 1st of each year. License renewals shall be consistent with criteria established in CPMC Section 5.04.092.~~

~~**5.40.060 License Fees.**~~

~~The license fee to be charged by the city designee for a medical marijuana dispensary business license shall be as set forth in the City of Central Point Business License Fee Schedule as set in 5.04.120.~~

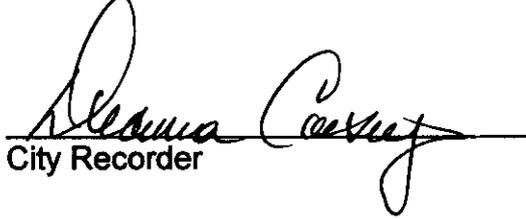
SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to "code", "article", "section", "chapter", or other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this 11th day of May, 2017.


Mayor Hank Williams

ATTEST:


City Recorder